

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re, REDELL CRABBE, and DEBORAH CRABBE, Debtors, TOYOTA MOTOR CREDIT CORPORATION, Movant, v. REDELL CRABBE, DEBORAH CRABBE, and SCOTT F. WATERMAN, Trustee, Respondents.	Bankruptcy No. 22-12378-amc Chapter 13 Document No.
--	---

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Toyota Motor Credit Corporation (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay (the “Motion”), representing as follows:

THE PARTIES

1. Respondents, Redell Crabbe, and Deborah Crabbe, (the “Debtors”), are adult individuals with a place of residence located at 127 W. Washington Lane, Philadelphia, PA 19144.
2. Scott Waterman, is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about September 8, 2022, the Debtors filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. On or about December 2, 2017, the Debtors purchased a 2018 Toyota Highlander Utility 4D Limited 4WD, VIN# 5TDDZRFH5JS493746 (the “Vehicle”), pursuant to a Retail Installment Sale Contract (the “Contract”) with the Movant, a true and correct copy of which is attached hereto as **Exhibit A.**

6. Movant has a secured interest in the 2018 Toyota Highlander Utility 4D Limited 4WD, VIN# 5TDDZRFH5JS493746 , as evidenced by the Certificate of Title attached hereto as **Exhibit B.**

7. The Contract requires monthly payments of \$697.68, which amounts are due on or before the 16th of each month.

8. As of the date of this Motion, The Debtors were in default of their payment obligations to Movant in the amount of \$2,790.72. The Debtors are currently due for the payment due on September 16, 2022.

9. Debtors’ Chapter 13 Plan states that payments to Movant will be made outside the Plan.

10. The gross balance due on the Contract is \$15,588.91.

11. The N.A.D.A value for the 2018 Toyota Highlander Utility 4D Limited 4WD, VIN# 5TDDZRFH5JS493746 is \$31,550.00. A true and correct copy of a printout showing that value is attached hereto as **Exhibit C.** Therefore, there is minimal equity in the collateral, the Debtors are still responsible for making monthly payments to Movant.

12. Movant is entitled to relief from the automatic stay for cause, including the lack of adequate protection, because the Debtors have failed to make post-petition payments to Movant. 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Toyota Motor Credit Corporation, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay with respect to the 2018 Toyota Highlander Utility 4D Limited 4WD, VIN# 5TDDZRFH5JS493746.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By: /s/ Keri P. Ebeck
Keri P. Ebeck, Esq.
PA I.D. # 91298
kebeck@bernsteinlaw.com
601 Grant Street, 9th Floor
Pittsburgh, PA 15219
Phone (412) 456-8112
Fax: (412) 456-8135

Counsel for Toyota Motor Credit Corporation

Dated: January 18, 2023